

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

*In Re: Boston Scientific Corp.
Pelvic Repair System Products Liability Litigation*
MDL No. 2326
Civil Action No. 2:13-24772

SHORT FORM COMPLAINT

Come now the Plaintiff(s) named below, and for Complaint against the Defendants named below, incorporate The Master Complaint in MDL No. 2326 by reference. Plaintiff(s) further show the court as follows:

1. Female Plaintiff

Katrina L. Bagwell

2. Plaintiff Husband (if applicable):

Luke Bagwell

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator)

-
4. State of Residence

Colorado

5. District Court and Division in which venue would be proper absent direct filing

USDC, Colorado District Court, Denver

6. Defendants (Check Defendants against whom Complaint is made):

- (X) A. Boston Scientific Corporation
- () B. American Medical Systems, Inc. ("AMS")
- () C. Johnson & Johnson
- () D. Ethicon, Inc.

- ☐ E. Ethicon, LLC
- ☐ F. C. R. Bard, Inc. (“Bard”)
- ☐ G. Sofradim Production SAS (“Sofradim”)
- ☐ H. Tissue Science Laboratories Limited (“TSL”)
- ☐ I. Mentor Worldwide LLC
- ☐ J. Coloplast Corp.

7. Basis of Jurisdiction

- ☒ Diversity of Citizenship
- ☐ Other: _____

A. Paragraphs in Master Complaint upon which venue and jurisdiction lie:

¶¶4-6 _____

B. Other allegations of jurisdiction and venue

8. Defendants’ products implanted in Plaintiff (Check products implanted in Plaintiff)

- ☐ The Uphold Vaginal Support System;
- ☐ The Pinnacle Pelvic Floor Repair Kit;
- ☐ The Advantage Transvaginal Mid-Urethral Sling System;
- ☐ The Advantage Fit System;
- ☐ The Lynx Suprapubic Mid-Urethral Sling System;
- ☐ The Obtryx Transobturator Mid-Urethral Sling System;
- ☐ The Prefyx PPS System;
- ☒ The Solyx SIS System; and/or
- ☐ Other

9. Defendants' Products about which Plaintiff is making a claim. (Check applicable products)

- ☐ The Uphold Vaginal Support System;
- ☐ The Pinnacle Pelvic Floor Repair Kit;
- ☐ The Advantage Transvaginal Mid-Urethral Sling System;
- ☐ The Advantage Fit System;
- ☐ The Lynx Suprapubic Mid-Urethral Sling System;
- ☐ The Obtryx Transobturator Mid-Urethral Sling System;
- ☐ The Prefyx PPS System;
- ☒ The Solyx SIS System; and/or
- ☐ Other

10. Date of Implantation as to Each Product

November 18, 2009

11. Hospital(s) where Plaintiff was implanted (including City and State)

Exempla Lutheran Health System (Wheatridge, Colorado)

12. Implanting Surgeon(s)

Dr. Cheryl Cowles, M.D.

13. Counts in the Master Complaint brought by Plaintiff(s)

- ☒ Count I - Negligence
- ☒ Count II – Strict Liability – Design Defect
- ☒ Count III – Strict Liability – Manufacturing Defect
- ☒ Count IV – Strict Liability – Failure to Warn
- ☒ Count V – Breach of Express Warranty
- ☒ Count VI – Breach of Implied Warranty

(X) Count VII – (By the Husband) – Loss of Consortium

(X) Count VIII – Discovery Rule, Tolling and Fraudulent Concealment

(X) Count IX – Punitive Damages

() Other Count _____ If Plaintiff asserts additional claims, please state the factual and legal basis for these claims below:

() Other Count _____ If Plaintiff asserts additional claims, please state the factual and legal basis for these claims below:

Dated this 31st day of May, 2013.

/s/ Douglass A. Kreis
Attorney for Plaintiff Katrina L. Bagwell
and Luke Bagwell
Douglass A. Kreis, Esq.
Florida Bar Number: 0129704
Bryan F. Aylstock, Esq.
Florida Bar Number: 78263
D. Renee Baggett, Esq.
Florida Bar Number: 0038186
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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

KATRINA L. BAGWELL AND LUKE BAGWELL

(b) County of Residence of First Listed Plaintiff Park (CO)
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Aylstock, Witkin, Kreis & Overholtz, PLLC
17 E. Main Street, Ste. 200, Pensacola, FL 32502
Phone: (850) 202-1010.

DEFENDANTS

BOSTON SCIENTIFIC CORPORATION

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question
(U.S. Government Not a Party)
- ☒ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input checked="" type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice	PERSONAL INJURY <input checked="" type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition) <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 USC Section 1332

Brief description of cause:
Personal Injury - Product Liability

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE Joseph R. GoodwinDOCKET NUMBER MDL 2326

DATE

SIGNATURE OF ATTORNEY OF RECORD

10/08/2013

/s/ Douglass A. Kreis

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

***In Re: Boston Scientific Corp.
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MDL No. 2326***

Civil Action No. 2:13-24772

NOTICE OF SERVICE UNDER DELAYED FILING AGREEMENT

Come now the Plaintiff(s) named below and show the Court, as directed by Pretrial Order #53 (Amended Order Regarding Delayed Filing and Application to the Statute of Limitations), that the Short Form Complaint was served on or forwarded to the following Defendant(s):

First Named Plaintiff: KATRINA L. BAGWELL AND LUKE BAGWELL

Defendants (*Select Defendant(s) upon whom the Short Form Complaint was served or forwarded*):

	DEFENDANT NAME	DATE		DEFENDANT NAME	DATE
<input checked="" type="checkbox"/>	A. Boston Scientific Corporation	5/31/2013	<input type="checkbox"/>	F. C. R. Bard, Inc. ("Bard")	
<input type="checkbox"/>	B. American Medical Systems, Inc. ("AMS")		<input type="checkbox"/>	G. Sofradim Production SAS ("Sofradim")	
<input type="checkbox"/>	C. Johnson & Johnson		<input type="checkbox"/>	H. Tissue Science Laboratories Limited ("TSL")	
<input type="checkbox"/>	D. Ethicon, Inc.		<input type="checkbox"/>	I. Mentor Worldwide LLC	
<input type="checkbox"/>	E. Ethicon, LLC		<input type="checkbox"/>	J. Coloplast Corp.	

Address and bar
information:

Douglass A. Kreis

Attorneys for Plaintiff

Aylstock, Witkin, Kreis & Overholtz, PLLC

17 E. Main Street, Suite 200

Pensacola, FL 32502

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